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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,714	01/04/2001	Gary S. Keorkunian	109246.00103	2653

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BLANK ROME LLP  
600 NEW HAMPSHIRE AVENUE, N.W.  
WASHINGTON, DC 20037

EXAMINER

YUSSUF, SAJID

ART UNIT	PAPER NUMBER
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2141

9

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/753,714

Applicant(s)

KEORKUNIAN ET AL.

Examiner

Sajid A Yussuf

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01/04/2001-02/07/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4 10/18/2001.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Specification***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. ***Claim(s) 1-4 & 6-12 is/are rejected under 35 U.S.C. 102(e) as being anticipated by Patel et al. (US Patent No. 2002/0004900 and Patel hereinafter).***

5. As per claim(s) 1 Patel discloses a server for establishing a first connection to the user and a second connection to the provider to access the content, (See Paragraph 0010); and a database for maintaining accounting information for the user and for the provider, (See Paragraph 0032-0033); wherein the server communicates with the provider over the second connection to retrieve the content to be accessed by the user without disclosing identifying information about the user to the provider, (See Paragraph 0010-0012).

6. As per claim(s) 2 Patel teaches the claimed invention as described in claim(s) 1 above and furthermore discloses the server retrieves the content from the provider and stores the content in a cache (i.e., cache memory) for delivery to the user, (See Paragraph 0026).

7. As per claim(s) 3 Patel teaches the claimed invention as described in claim(s) 1-2 above and furthermore discloses the content comprises a link to further content, the server delivers the content to the user while reformatting the link to prevent the user from following the link to the further content; wherein restricting minors from accessing certain sites is interpreted as preventing user from following a link further to a restricted site, (See Paragraph 0034).

8. As per claim(s) 4 Patel teaches the claimed invention as described in claim(s) 1-3 above and furthermore discloses the server reformats the link to the further content by replacing the link to the further content with a modified link for accessing the further content through the server; wherein participating in an auction with an authentication certificate, (See Paragraph 0034-0035).

9. As per claim(s) 6 Patel teaches the claimed invention as described in claim(s) 1-5 above and furthermore discloses the server debits a fulfilled request from the user for the content from an account maintained for the user in the database without association to the provider or content requested, (See Paragraph 0043).

10. As per claim(s) 7 Patel teaches the claimed invention as described in claim(s) 1-6 above and furthermore discloses the fulfilled request is credited to an account maintained for the provider in the database without association to the user making the request, (See Paragraph 0034).

11. As per claim(s) 8 Patel teaches the claimed invention as described in claim(s) 1-7 above and furthermore discloses the database comprises an account for the user in which the user can purchase rights to view the content without association to the specific content that will be viewed or otherwise observed, (See Paragraph 0042-0043).

12. As per claim(s) 9 Patel teaches the claimed invention as described in claim(s) 1-8 above and furthermore discloses the database stores a password which the user must provide before the user can access the content, (See Paragraph 0041-0042).

13. As per claim(s) 10 Patel teaches the claimed invention as described in claim(s) 1-9 above and furthermore discloses the database stores, in association with the password, a preset amount of time for which the user is permitted to access the content using the password (i.e., expiration date), (See Paragraph 0041-0043).

14. As per claim(s) 11 Patel teaches the claimed invention as described in claim(s) 1-10 above and furthermore discloses the database stores, in association with the password, a preset amount of the content that the user is permitted to access using the password, (See Paragraph 0033-0034).

15. As per claim(s) 12 Patel teaches the claimed invention as described in claim(s) 1-11 above and furthermore discloses the database stores, in association with the password only information preset independently of the user, (See Paragraph 0036-0037).

***Claim Rejections - 35 USC § 103***

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

- a. Determining the scope and contents of the prior art.
- b. Ascertaining the differences between the prior art and the claims at issue.
- c. Resolving the level of ordinary skill in the pertinent art.
- d. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**18. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Patel et al. (US Patent No. 2002/0004900 and Patel hereinafter) in view of Toader et al. (US Patent No. 5,806,043 and Toader hereinafter).**

19. As per claim 5 Patel discloses the claimed invention as described above.

However, Patel does not explicitly teach the server measures an amount of time the user spends viewing the content and enters the amount of time into the database.

Toader teaches the server measures an amount of time the user spends viewing the content and enters the amount of time into the database (See Column 5 Lines 1-30).

Therefore it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to modify the teaching of Patel with the teachings of Toader to include a server measuring an amount of time the user spends viewing the content and enters the amount of time into the database with the motivation to provide for saving costs for the vendor... wherein the use of the PIN numbers and associated limited time help authorizations limits the cost exposure of the sponsor/vendors in providing help (i.e., service). Furthermore, the convenient ways in which the customer can refresh his help authorization can provide enhanced revenue possibilities for the sponsor/vendors (See Toader Column 6 Lines 40-49).

#### **Conclusion**

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- e. Prasad et al. (US Patent No. 6,539,381) discloses system and method for synchronizing database information;

f. Campana et al. (US Patent No. 6,529,886) discloses authentication method for an access and/or payment control system; and



g. Savage et al. (US Patent No. 6,442,687) discloses system and method for secure and anonymous communications.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajid A Yussuf whose telephone number is (703) 305-8752. The examiner can normally be reached on Monday-Thursday 7:30-5:00 PM and Alternate Fridays.

22. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (703) 305-4003. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

23. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Sajid Yussuf  
Patent Examiner  
Technology center 2100  
15 May 2004



RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER